

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-10353-PBS

SCANSOFT, INC.
Plaintiff

v.

VOICE SIGNAL TECHNOLOGIES,
INC., et al
Defendants

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TRANSCRIPT OF TELECONFERENCE
BEFORE THE HONORABLE JOYCE LONDON ALEXANDER
UNITED STATES MAGISTRATE JUDGE
HELD ON FEBRUARY 15, 2005

APPEARANCES:

For the Plaintiff: Sarah Columbia, Esquire, Choate, Hall &
Stewart, Exchange Place, 53 State Street, Boston, MA 02109-2804,
617-248-5000.

For the Defendants: Lee C. Bromberg, Esquire, Jack C. Schecter,
Esquire, Bromberg & Sunstein LLP, 125 Summer Street, Boston, MA
02110, 617-443-9292.

Court Reporter:

Proceedings recorded by digital sound recording, transcript
produced by transcription service.

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P R O C E E D I N G S

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(Court called into session)

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THE CLERK: Today's date is February 15, 2005. The Court will now hear the case of ScanSoft v. Voice Signal, et al. Will the attorneys please identify themselves for the record? Attorney Bromberg?

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MR. BROMBERG: Yes. Lee Bromberg, Bromberg & Sunstein for the plaintiff ScanSoft, and I, for the record, I have with me Mr. Fleming and Jack Schecter.

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THE CLERK: Defense?

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MS. COLUMBIA: Sarah Columbia, Choate, Hall, Stewart, for the defendant.

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THE CLERK: This is a teleconference. Court is now in session.

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THE COURT: Now, I have three motions before me, defendant's motion to clarify the scope of the discovery order, plaintiff's emergency motion to revise the scheduling order, defendant's emergency motion to order expedited responses to interrogatories.

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With respect to the first motion, the motion to clarify, when the Court entered its order, it said what it meant and meant what it said, and that is that ScanSoft receive the source code of VST's accusing infringing product, VSuite, and that ScanSoft seeks the source code of VST's alleging infringing product. ScanSoft decided that the source of the

1 VST VSuite product is the infringing software product itself
2 and, therefore, VST must produce the source code of this VSuite
3 product, and that is what the Court ordered. Defendant is
4 seeking clarification. I also understand that defendant has,
5 that VST has objected to the district judge. What ScanSoft
6 asked for, ScanSoft is to receive. If the defendant has a
7 problem with that, then, as the defendant has done, it has
8 objected and appealed, but that is, clarification of something
9 that is clear, whether or not you agree with it, is not this
10 Court's issue. My order stands as it is written. Whatever
11 ScanSoft has sought respective of source code, then it should,
12 VST should produce it.

13 MS. COLUMBIA: Your Honor, it seems clear that you
14 don't want to hear further argument about that?

15 THE COURT: Well, no, I don't want to hear argument
16 about whether or not you should produce it because I've ordered
17 it. What is your problem?

18 MS. COLUMBIA: Your Honor, the problem is that our
19 VSuite product includes software modules that are completely
20 irrelevant to the patent, and so it was not, it was frankly not
21 clear to us that you were ordering us to produce software
22 source code. That is just not even remotely relevant to what's
23 in the patent. I understand what you said when you first began
24 the argument. I'm not, but I want you to understand, we really
25 were seeking to clarify and before we took it up to Judge

CERTIFICATION

I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

March 12, 2005

Maryann V. Young

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January 27, 2005

VIA ELECTRONIC and FIRST CLASS MAIL

Sarah Chapin Columbia, Esq.
Choate, Hall & Stewart
53 State Street
Boston, Massachusetts 02109-2804

Re *ScanSoft, Inc. v. Voice Signal Technologies, Inc. et al.*
U.S.D.C. D. Mass. Civil Action No. 04-10353 PBS
Our File 2639/509

Dear Sarah:

In the light of Judge Saris' Order of January 26, 2005, denying VST's Motion to Dismiss the trade secrets and 93A claims, and Magistrate Judge Alexander's Order requiring production of source code, I write to arrange for the immediate exchange of the parties' source code and propose Friday, January 28 as the day for the exchange. In accordance with the Magistrate Judge's Order, VST must produce source code for its speech recognition products including VSuite.

On a related matter, we note that VST has recently announced the development of a software product for use in Samsung cellular telephones. We believe the VST software described in the attached press release may either employ ScanSoft's trade secrets or infringe ScanSoft's '966 patent, or both. Pursuant to ScanSoft's Interrogatory Nos. 3 and 6, we renew our demand (as stated in my September 17, 2004 letter to Paul Popeo) for information concerning the sale, license or transfer of each VST speech recognition product, including the newly-announced software product, and the identification of those individuals with knowledge about the products, and remind you of VST's obligation to immediately supplement its discovery responses in this regard. VST's failure to supplement those responses will leave ScanSoft with no choice but to file a motion to compel.

Please let me know immediately whether January 28 is an acceptable date for the mutual exchange of source code and when I can expect VST's supplemental responses to interrogatories.

ATTORNEYS AT LAW

Sarah Chapin Columbia, Esq.
Choate Hall & Stewart
January 27, 2005
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lisa M. Fleming', with a large, stylized initial 'L' and 'F'.

Lisa M. Fleming

LMF/

Enclosure

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